physician practices. An orthopedist in California might be allowed a deduction of $20,000 or more per year. A similar specialist in Iowa would probably be allowed less. The rationale is the difference in rates, and risks, in the two areas. But this is no more than a reflection of the premiums that people in the two states would pay—if they could find carriers to accept their payments.

What happens if the trust is not depleted by malpractice problems? The funds may be withdrawn, but they are taxable at ordinary income rates is the year of withdrawal. The theory here is that since the physician got an ordinary income tax deduction for his payments, he should be subject to ordinary income tax rates if he recovers his contributions.

Of course, the bill would impose no tax consequences until the surplus funds were withdrawn. The death of the doctor would not trigger any tax consequences. This is important. If a physician dies, his estate remains subject to malpractice claims. But the fund would be there to protect his family and his assets during the limtations prescribed by state law. The exact time varies, but it should be noted that periods of limitations govern the filing of a suit and not the date when the suit is resolved. As such, it is possible for a malpractice trial to be held years after the death of the physican, and many years after the date of the therapy.

As written, the bill is commendable, but it does leave some unanswered questions. Some of there may be resolved by the time it gets to the full House and to the Senate.

The bill provides, in effect, that deductions shall be governed by regulations issued by the IRS. Since the IRS will not issue regulations until the bill is passed, nobody can tell exactly how it will apply.

The bill does not state how the reasonable value of the malpractice insurance shall be determined. This is a real problem in a state where, for example, no anesthesiologists have been able to get insurance for several years. Suppose someone in this specialty could get 100/300 coverage in 1975 for a premium of $10,000 a year. A deduction of $10,000 in 1975 would be reasonable. But how would you measure what would be reasonable in 1978 if no carrier was willing to write any coverage for that year?

The bill does not prescribe how the IRS would differentiate among practitioners who might want different limits of coverage. A young surgeon with few assets and a lot of debts might be content with coverage of $100,000. Another young anesthesiologist in the same situation who expected to inherit money from his parents might feel he needs more. A neurosurgeon with a large family and substantial assets could believe that he needs very high limits which would have a great cost in premiums. What standards would a bureaucrat apply?

The bill allows a practitioner to set up a personal trust. Fine! But it bothers me that there are no guidelines to bar the IRS from setting out arbitrary standards of how these trust funds may be invested. Suppose the IRS decided that they should be invested in government bonds? A physician might feel that these would not offer him adequate protection against the inflation that he knows is going to continue. He might want to invest his trust funds in common stocks, and real estate, or gold and silver among other things. And he'd be right.

The bill does not limit the power of the IRS to mandate reporting requirements. This is significant because the power to mandate unrestricted paper work is the power to destroy a trust. As OSHA and the FDA among others, have proven, the bureaucrats can and do impose excessive paperwork on just about everyone.

A further danger is that some bureaucrat might decide to allow tax-free payments from these trusts only if the payments were reasonable as determined by themselves. They might also decide that a reasonable payment could be made only if the defendant physician or surgeon had followed the type of therapy—including the prescription of drugs—as laid out by a national formulary system.

There are other problems, of course, but I believe that the ones I have outlined deserve the most serious consideration now.

The bill does have weaknesses as it is presently constituted. But I think it deserves support with pressure for some amendments, Mr. Whalen has taken a giant step toward providing some relief. For that, he deserves the thanks of all of us.

JAPAN NOT BEING A "GOOD BUDDY" IN CB RADIO TRADE

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, in recent weeks, there have been numerous articles about the efforts of the administration to work with Japan in reducing that country's balance-of-trade surplus by importing more goods from other nations. I strongly support these efforts, since I believe that the current Japanese trade surpluses are creating major disturbances in the world economy.

I would like to explore for a few minutes just one example of how the Japanese economy is geared toward export—and prevents the importation of manufactured goods from other nations. The example is one of the hottest consumer fad items in recent years, the citizen band radio.

The International Trade Commission is currently considering a petition by American CB transceiver producers for relief from the flood of imports which has hit their market in recent years. I am seriously concerned that these imports may represent perhaps the most blatant attempt yet by a foreign producer to corner our market while denying our industries access to theirs.

Television commercials and newspaper advertisements recently have been filled with offers of CB's at rockbottom prices. Fed by a continuous stream of imports, supply has considerably outpaced demand, and inventories are accumulating at a rapid rate. A few statistics submitted by CB producers to the ITC dramatically illustrate their plight: During the first half of 1977, capacity utilization in the industry stood at an average of 21 percent, down from 55 percent for the same period in 1976. The industry as a whole experienced a meager net profit before taxes of 3.2 percent of sales in the first half of 1976, and then plummeted to a net loss of 38.2 percent in 1977. Finally, employment in the industry has declined by 56 percent over the same 1-year interval.

While the domestic industry is suffering, imports—primarily from Japan—are claiming the lion's share of our market, close to 90 percent according to recent estimates. The volume of imports has increased from about 3 million units in 1972 to 17 million in 1976. Foreign producers as a whole have built up a production capacity which would allow them to supply an estimated three times the world demand for CB's. Moreover, there is no question for whom this barrage is intended: The United States is the only market which can absorb large numbers of CB's, accounting for 95 percent of the world market.

Mr. Speaker, what I find most disturbing about this situation is that the Japanese, who produce most of the CB transceivers, prohibit their use within their own country. This effectively shuts off any potential export market for our producers, while our market remains wide open to imports from any direction. It also means that the Japanese have built a massive CB industry for the sole purpose of satisfying demand in the United States. It would be almost impossible to determine whether there has been dumping—since there is no home market price!

I would emphasize that we are not dealing here with the diversion of some modest amount of production for export at competitive prices; virtually all of the resources and production of the Japanese CB industry are aimed squarely at the American market. It is clear that in a case like this, foreign producers must sell at any price, however low and whatever the consequences for American producers.

Mr. Speaker, I submit that any impartial observer would be hard-pressed to characterize these as fair-trading practices. More important, these efforts at any price make a balanced trade policy impossible, and contribute to pressures for restrictionist measures. Trade must be a two-way arrangement; if we open up our markets to foreign producers, we have a right to expect that theirs will be open to us.

I hope that those nations which today are complaining about American pressure to restraint imports will reexamine their own import and export policies before castigating us for taking steps to protect our industries.

THE CLEAN WATER ACT OF 1977, H.R. 3199

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. CARNEY) is recognized for 5 minutes.

Mr. CARNEY. Mr. Speaker, when the Congressional Steel Caucus was formed in September, the members acknowledged that the caucus would have to deal with a broad range of problems facing the steel industry, including economic and environmental.

Today we are considering the conference report on H.R. 3199, the Clean Water Act of 1977. This is important legislation to assure continued progress in cleaning and maintaining our Nation's water supply. However, as chairman of the Steel Caucus in the House of Representatives, I feel compelled to point out that some provisions of this legislation might create serious problems for the steel industry. More restrictive regulations could add to the costs of an already cost-burdened industry.

Some of the more significant problem areas are:

1977 Best Practicable Technology (BPT) Deadline—The conference report does not address the steel industry's problem, namely the inability to achieve BPT for several years. Testimony before the House Committee on Public Works and Transportation showed that the problem of the steel industry are quite comparable to those of municipal plants; their costs are as great and time schedules for their solutions are equally long. In spite of steel industry investments of over $3 billion to date for pollution control facilities, and in spite of the steel industry spending over $500 million per year to operate and maintain those facilities, the steel industry might still be unable to complete the tasks assigned to it in the time allotted by the conference report. Municipalities are provided extensions until 1982 or 1983, but the conference report provides no comparable time extension for the steel industry to achieve BPT.

1983 Best Attainable Technology (BAT) Deadline—The conference report extends for 1 year, from 1983 to 1984, the deadline for attaining BAT, and provides limited waivers for "conventional" pollutants. It quite properly emphasizes future controls on toxic pollutants. However, the inclusion of the new listing of substances as "toxic", and the denial of any waiver with respect to these materials, poses an additional burden on the steel industry which was not previously contemplated.

Pretreatment—The conference report provides, as we had recommended, that the treatment capability of the publicly-owned treatment plant be considered in pretreatment requirements. The inclusion of requirements relative to the "toxic" pollutants might take away any incentive or advantage from pretreatment.

Best Management Practices—Inclusion of practices required as best management practices in national pollutant discharge elimination system (NPDES) permits, and the requirement that they include consideration of the list of "toxics," could greatly complicate the permit process and monitoring requirement.

Mr. Speaker, in light of these problems which can affect the steel industry and other industries as well, the implementation of the Clean Water Act of 1977 is a cause for concern in the steel-producing regions of this country.

The recent report on the domestic steel industry from Under Secretary of the Treasury Anthony M. Solomon mentions that the Environmental Protection Agency will conduct a regulatory review to determine the possibility of achieving our goals for a cleaner environment at a reduced economic cost if there are certain changes in the regulatory process. As chairman of the congressional steel caucus, I urge that this study be completed within 6 months, and that it pay particular attention to the economic impact on the steel industry of the new regulations stemming from H.R. 3199.

Mr. Speaker, the congressional steel caucus will continue to examine all regulations issued by the Environmental Protection Agency to make certain that these regulations do not impose an unnecessary or unreasonable burden on the Nation's hard-pressed steel industry.

Mr. BUCHANAN. Mr. Speaker, as I indicated in my floor remarks when the conference report on H.R. 3199 was being considered, I am very concerned about the effects of this bill on the steel industry and, therefore, as vice chairman of the steel caucus, join its distinguished chairman in expressing these concerns. The steel industry by its nature has pollution control problems. Realizing this fact, they have expended over $3 billion for environmental control facilities.

Despite these efforts, the steel industry will be unable to meet the April 1, 1979 deadline for using the best practical technology for industrial concerns.

While the bill provides for deadline extensions on a case-by-case basis for municipalities, I feel that some provisions must be made for the steel industry whose costs are as great and time scheduled for their solutions are equally as long as municipalities. The conference report includes no clear means of providing the comparable time required for steel to achieve BPT.

The committee may have to use future legislative relief for the steel industry, so long as they are making a good faith effort to comply, to provide for rational enforcement of the clean water laws.

I hope that both EPA and the committee will keep this in mind as they monitor the effect of H.R. 3199 during the coming months.

Mr. WALGREN. Mr. Speaker, as one concerned with the future of the American steel industry, I want to express my reservations about the lack of a flexible approach to the steel industry's water pollution problems in the conference report on H.R. 3199, the Clean Water Act of 1977.

As reported from conference, the bill imposes an absolute deadline of April 1, 1979, for steel industry compliance with best practicable technology for effluent control, with no provision for an extension of deadlines by the Environmental Protection Agency—even on a case-by-case basis.

This is in direct contrast to the treatment of municipal water pollution facilities where, recognizing the financial limitation of local government, EPA is authorized to extend deadlines through 1983 if justified on a case-by-case basis. The act provides no similar recognition of the financial limitation of the steel industry.

Failure to provide for a flexible approach to water pollution deadlines makes it inevitable that jobs will be eliminated by arbitrary standards set without consideration of the steel industry's financial ability to meet environmental requirements.

The April 1, 1979, deadline is impossible for many American steel facilities to meet. Even if the capital were available, the 15 months remaining is not enough time to engineer and construct such facilities.

And the steel industry is now in a capital cruch. The low cash flow caused by foreign imports and expenditure of capital on environmental controls over the past decade have resulted in an industry that must modernize its basic plants to stay alive—and one that has great difficulty raising capital in view of the limited return on investment because of foreign competition.

Many of the Representatives expressing their concern will vote for the water pollution control bill because of the importance of many of its provisions. I want to be clear, however, that I do not believe in the inflexible, statutory deadline as it applies to the steel industry. I would urge the EPA and any other enforcement agency to adopt a flexible, case-by-case approach to the water pollution problems of this industry.

It is not my intent and, I hope, not the intent of the conferees or this Congress to compel the closing of steel facilities which, despite good faith efforts, are unable to meet the inflexible, statutory deadline.

FEDERAL BUREAU OF INVESTIGATION ACT OF 1978

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of California. Mr. Speaker, today I am introducing the Federal Bureau of Investigation Act of 1978, a legislative charter for the Nation's most important law enforcement agency. Ever since the first revelations of FBI domestic intelligence abuses before the Judiciary Committee Subcommittee on Civil and Constitutional Rights several years ago, the call for such a charter has been growing. Now not only the Congress, but the Department of Justice and the FBI, are asking that the FBI be given a legislative statement of policy direction to enable it to undertake essential, publicly recognized and agreed upon functions—nothing more and nothing less.

There are a number of different groups and entities working on similar legislation—the House and Senate Committees on Intelligence are said to be engaged in the process of drafting a charter for all the intelligence agencies in the United States. The Department of Justice has been working on a legislative mandate for the Bureau for some time. And, of course, several bills dealing with reorganization of the Nation's intelligence community already have been introduced and referred to my subcommittee.

But I think this bill serves a special and much needed purpose: It establishes a starting point for discussion of the proper role of Federal law enforcement in this country. This bill starts with the premise that the FBI must be guided at all times by strict adherence to a criminal standard for initiating its investigative efforts. The Department of Justice and the FBI—and others—may feel the FBI cannot carry out its legitimate law enforcement functions on that basis alone. If so, they will have a heavy—and perhaps insurmountable—burden in persuading the American people that departure from that standard is justified.

Moreover, to the extent that there are other necessary but noncriminal investigative functions performed by the FBI which are not covered by this bill, we will have to be persuaded of the need for the FBI to perform those functions; appropriate enabling legislation will have to be suggested.

I believe my approach in this bill—a simple statement of the Bureau's authority, with a means for enforcing those limitations—is preferable to the approach taken in previously introduced charters, that is, laundry lists of prohibited activities. The latter will not only be exceedingly difficult to administer but their chance of enactment will be severely lessened by the fact that such bills have been referred to a multitude of committees. Simplicity and a positive approach may be the best and most workable solution.

In any event, I hope from this starting point to work toward the eventual enactment of legislation with which all of us—law enforcement officials, civil libertarians, Members of Congress and, most important, the public—can live. If introducing the bill and holding hearings—which I plan to do in early February—can serve to begin a general public examination and debate on the FBI charter, then I will have accomplished a substantial portion of my goal in drafting this legislation.

The bill follows:

H.R. —10400

A bill to define the investigative authority of the Federal Bureau of Investigation, to rights under color of Federal law, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Bureau of Investigation Act of 1978".

DEFINITION OF INVESTIGATIVE AUTHORITY OF FBI

SEC. 2. (a) The Federal Bureau of Investigation shall have the authority to investigate all acts or omissions that violate Federal criminal law, except as expressly provided by Act of Congress; such investigations shall be initiated only upon a reasonable suspicion, based on specific and articulate facts and rational inference from such facts, that the subject of the investigation has committed, or is committing, a specific act or omission in violation of a Federal criminal law.

(b) The Federal Bureau of Investigation shall have no other authority to investigate or to engage in law enforcement activities except as expressly provided by act of Congress.

CREATION OF CIVIL REMEDIES FOR VIOLATIONS OF RIGHTS UNDER COLOR OF FEDERAL LAW

SEC. 3. (a) Whoever, under color of Federal law subjects any person to the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or violates section 2 of this Act, shall be liable to the person aggrieved by such deprivation or violation in a civil action for appropriate legal, equitable, and other relief. Such relief shall include money damages at a liquidated rate of $250 a day for each day such deprivation or violation continues, or $2,500, whichever is greater, punitive damages in appropriate cases. and reasonable attorney fees and other litigation costs reasonably incurred.

(b) A person that may recover relief under subsection (a) of this section may also recover that relief in a civil action against the United States, and the liability of the United States shall be joint and several with any persons who are liable under subsection (a) of this section.

REPEAL OF CERTAIN LAWS TO ELIMINATE COLOR OF AUTHORITY

SEC. 4. (a) Chapter 102 (relating to riots) of title 18 of the United States Code is repealed.

(b) Sections 2384 (relating to seditious conspiracy), 2385 (relating to advocating the overthrow of Government), 2386, relating to registration of certain organizations), 2387 (relating to peacetime interference with loyalty, morale, or discipline of military forces), and 2391 (relating to temporary extension of wartime penalty for interference with loyalty, morale, or discipline of military forces) of such title 18 are all repealed.

(c) The tables of chapters for such title 18 and for part I of such title 18 are each amended by striking out the item relating to chapter 102.

(d) The table of sections for chapter 115 of such title 18 is amended by striking out the items relating to section 2384, section 2385, section 2386, section 2387, and section 2391.

(e)(1) Section 2516 of such title 18 is amended—

(A) by striking out "or chapter 102 (relating to riots)"; and

(B) by inserting "or" before "chapter 105".

(2) Section 14(a) of such title 18 is amended by striking out "2384, 2385, 2387,".

(3) Section 241(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(17)) is amended by striking out "section 2384 of title 18;".

(4) Section 349(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(9)) is amended by striking out "or willfully performing any act in violation of section 2385" and all that follows through "levy war against them,".

(5) Section 8312(b)(1)(C) of title 5 of the United States Code is amended by striking out "2384 (seditious conspiracy)" and all that follows through "2387 (activities affecting armed forces generally),".

(6) Section 3505 of title 38 of the United States Code is amended by striking out "2385, 2387,".

BILL OF RIGHTS DAY, DECEMBER 15, 1977

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. MATTOX) is recognized for 5 minutes.

Mr. MATTOX. Mr. Speaker, among the great documents of Western civilization is one which stands alone in its powerful evocation of individual freedoms and its unalterable guarantees of liberty and justice—the Bill of Rights.

This document, conceived during an era of turmoil and stress and born this day, 186 years ago, has through the centuries proven itself to be a birthright to the free and an inspiration for the oppressed.

The President has proclaimed today, December 15, to be Bill of Rights Day, and I join with him in saluting its authors—those extraordinary men who possessed the insight to articulate what they felt were "inalienable rights"—ones that would not merely survive, but nourish the new republic from its formative years on up to this very day.

Treaties, governments, and politicians have come and gone these last few hundred years, and even the Constitution has been amended dozens of times. Yet through all this, the first 10 amendments to that Constitution have remained unaltered, with nary a comma nor an apostrophe removed.

Is this so remarkable? It seems so in this age of planned obsolescence, of constant change. But the Bill of Rights embodies those qualities of humanity that are eternal, that give substance to the term "human being." It is in this sense that the Bill of Rights is a living thing on its own. Its sturdiness lies in its capacity to grow, to adapt, and in its ability to be interpreted and applied to a wide range of human activity.

Often these constructions generate controversy, particularly at a time when the Federal Government tends to encroach upon the functions of our States and into the lives of our citizens. Nevertheless, through this constant evolution, the Bill of Rights represents the final, impenetrable bulwark against big government and against totalitarianism. Thank God our forefathers were endowed with the ability to be succinct and exact in their expression of these rights—I am afraid to think of what our present-day bureaucrats, with their "newspeak" and legalese, would come up with given the task of writing such a document as the Bill of Rights.

Where else in the world have nations explicitly quaranteed their citizens such power? Where else have governments possessed the confidence in the people necessary to make them masters of their own destiny?

The freedoms of speech, press, religion; the right to keep and bear arms, to be protected from cruel and unusual punishment. Together they represent dignity for all our people. Without them there is no democracy. They need to be protected, cherished and preserved. Because, Mr. Speaker, the day one of these rights is rescinded, that is the moment we are no longer free.

POPULAR BANKER SURVIVES FORCED RETIREMENT WITHIN COMMUNITY HE SERVES

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I thank you for this opportunity to address the House and my distinguished colleagues on a subject of special and ever-present interest to me, namely the deplorable condition of our senior citizens in this country, especially visible when, as frequently occurs, with the full range of their capabilities and experience still intact and useful to our society, they are summarily discharged from their jobs and livelihood, given a pretty trinket to satisfy their colleagues' esteem, and then sent home to a life of social security, loneliness in many cases, neglect and daily struggle to escape starvation, or merely the death of boredom that comes with having to sit around just waiting for death.

As you are aware, the House has re-

cently acted in regard to this important subject of human waste by passing the Mandatory Retirement Act, which I introduced, and which would seek to alleviate some of these injustices and current oversights.

While we await the passage of this important act into law, I am certainly encouraged by those American employers who have taken the lead in offering their employees the protection from mandatory retirement based on age alone.

A poignant example of an employer's understanding that retirement need no longer be age based was brought to my attention recently and I would like to share it with you at this time.

Mr. William J. Schusel, a very knowledgeable and experienced banker of the Miami community has been the victim of forced retirement on two separate occasions. Mr. Schusel was first forced to retire at the age of 67 from a bank in New York. This was not due to any decline in the performance of his important duties but was due to his having reached a certain place on the calendar. Following that retirement, Mr. Schusel made his way to Florida, where many of this Nation's retirees go. Mr. Schusel knew that he was not yet ripe for old age so he took a responsible job with a bank of my area, which made him a vice president. Here Mr. Schusel worked for 10 years more, until, again, at age 77, he was thought too old to continue inspite of the testimony given by his high level of performance. Thus, Mr. Schusel was retired for the second time, yet did not agree with the judgment of his youngers that he should give up the fight to stay active.

Mr. Schusel's proven stamina and intellect, as well as the foresight of the Jefferson National Bank of Miami Beach and its president, Barton Goldberg, he was able to secure another career for himself. Today, at the age of 77, Mr. Schusel is employed as vice president for community relations at the Jefferson National Bank.

So, once again Mr. Schusel's determination and abilities, and not his age, have enabled him to again find employment as a high official of a bank.

The Jefferson National Bank of Miami Beach, and its president and my personal friend, Mr. Barton S. Goldberg, are to be commended for their foresight in offering employment opportunities to individuals on the basis of their capabilities, their experience, and their performance rather than on the basis of their age.

I am proud to be able to insert the following news item, about Mr. Schusel's election to his new post this year, at this point in the RECORD:

SCHUSEL ELECTED

William J. Schusel has been elected Vice President of Jefferson National Bank of Miami Beach. He will be working in Community Relations.

Schusel began his 35 years of banking experience at Chase Manhattan Bank of New York City where, as a Branch Manager, took full responsibility of the entire staff. Prior to his retirement from Chase Manhattan, he was offered a position as Vice President of the Carner Bank of Miami Beach as an Operations Officer. During his ten years there, he organized a Business Development Department increasing customers through his efforts.

Schusel is deeply involved in community activities throughout the area. He is presently serving a two-year term as President of the Biscayne Democratic Club of Miami. He is also a Past President of the Miami Beach Optimist Club and is a recipient of over 40 plaques and citations including the "Good Citizen of the Week" award.

Schusel and his wife, Ruth, reside at the Burleigh House in Miami Beach.

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

Mr. WHITE. Mr. Speaker, I was unable to be present last week when the House convened as I was obligated to attend to official business in the 16th District of Texas. I would like to take this opportunity to record how I would have voted on the legislative measures which came before the House during my absence. The rollcall votes I have not included in my summary were calls of the House. I appreciate your attention to this personal matter.

On rollcall No. 747 (November 29, 1977), adoption of the conference report on H.R. 7, to authorize a career education program for elementary, secondary and postsecondary schools for fiscal years 1979 through 1983, I would have voted "yes."

On rollcall No. 748 (November 29, 1977), motion that the House resolve itself into the Committee of the Whole for the consideration of the resolution, H. Res. 827, to disapprove Reorganization Plan Numbered 2 of 1977, I would have voted "yes."

On rollcall No. 749 (November 29, 1977), adoption of the resolution, H. Res. 827, to disapprove Reorganization Plan Numbered 2 of 1977, I would have voted "no."

On rollcall No. 751 (November 29, 1977), preferential motion that the House concur in the amendment of the Senate to the amendment of the House to the amendment numbered 82 to H.R. 7555, the bill making appropriations to the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, I would have voted "no."

On rollcall No. 753 (November 30, 1977), motion on ordering the previous question on the motion to recommit the conference report on H.R. 9375 to the committee of the conference, with instructions to the managers on the part of the House to increase Amtrak funds to $11.5 million, I would have voted "no."

On rollcall No. 754 (November 30, 1977), amendment to the motion to recommit H.R. 9375 to the committee of the conference with instructions to managers on the part of the House to increase Amtrak funds to $18 million, I would have voted "yes."

On rollcall No. 755 (November 30, 1977), motion to recommit the conference report on H.R. 9375 to the committee of the conference with instruction to managers on the part of the House to increase Amtrak funds to $18 million, I would have voted "yes."

On rollcall No. 756 (November 30, 1977), motion to order the previous question on the motion to instruct House conferees on H.R. 9346, the Social Security Financing Amendments of 1977, I would have voted "no."

On rollcall No. 757 (November 30, 1977), preferential motion that the managers on the part of the House at the conference on H.R. 9346 be instructed to insist on section 501 of the bill as adopted by the House, to provide for the liberalization and eventual repeal of the earnings test for individuals age 65 and over under the old-age survivors and disability program of the Social Security Act, I would have voted "yes."

On rollcall No. 759 (December 1, 1977), adoption of resolution authorizing funds for the investigation of Korean-American relations being conducted by the Subcommittee on International Organizations of the Committee on International Relations, I would have voted "yes."

CAPTIVE NATIONS WEEK—1977 HONOR ROLL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, at the close of each year the National Captive Nations Committee compiles an honor roll listing of those American leaders, institutions, and media that contributed to the success of the annual Captive Nations Week, as provided for in Public Law 86-90. It is my privilege to submit for the RECORD the honor roll for the 1977 Captive Nations Week. In addition, with an eye to the 20th Captive Nations Week observance next July, I submit also the commentary in the International Digest on "Americans Demand More Support for Captive Nations":

CAPTIVE NATIONS WEEK—1977 HONOR ROLL

PRESIDENT OF THE UNITED STATES

Jimmy Carter.

U.S. SENATE

Robert Dole, John Heinz, Thomas J. McIntyre, Charles H. Percy, Harrison (Jack) Schmitt, Harrison A. Williams, Jr.

HOUSE OF REPRESENTATIVES

Joseph P. Addabbo, Glenn M. Anderson, Frank Annunzio, John M. Ashbrook, Mario Biaggi, William S. Broomfield, J. Herbert Burke, James C. Cleveland, Barber B. Conable, Jr., Silvio O. Conte.

R. Lawrence Coughlin, Philip M. Crane, James J. Delaney, Edward J. Derwinski, John D. Dingell, Joshua Eilberg, Millicent Fenwick, Daniel J. Flood, Louis Frey, Jr., Benjamin Gilman.

Marjorie Holt, Frank Horton, Henry J. Hyde, Jack Kemp, Edward I. Koch, Peter H. Kostmayer, Joseph A. Le Fante, Norman F. Lent, Robert McClory, Joseph M. McDade.

Lawrence P. McDonald, Marc L. Marks, Morgan F. Murphy, Henry J. Nowak, Mary Rose Oakar, Richard L. Ottinger, Claude Pepper, John J. Rhodes, Peter W. Rodino, Jr., John H. Rousselot.

Eldon Rudd, Ronald A. Sarasin, Newton I. Steers, Jr., Samuel Stratton, Larry Winn, Jr., Lester L. Wolff, John W. Wydler, C. W. Young, Clement J. Zablocki.

GOVERNORS

Connectiut, Ella Grasso.
Illinois, James R. Thompson.

95TH CONGRESS
1ST SESSION

H. R. 10400

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 1977

Mr. EDWARDS of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To define the investigative authority of the Federal Bureau of Investigation, to create civil remedies for violations of rights under color of Federal law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Bureau of Investigation Act of 1978".

DEFINITION OF INVESTIGATIVE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 2. (a) The Federal Bureau of Investigation shall have the authority to investigate all acts or omissions that violate Federal criminal law, except as expressly provided by Act of Congress; such investigations shall be initiated

only upon a reasonable suspicion, based on specific and articulable facts and rational inference from such facts, that the subject of the investigation has committed, or is committing, a specific act or omission in violation of a Federal criminal law.

(b) The Federal Bureau of Investigation shall have no other authority to investigate or to engage in law enforcement activities except as expressly provided by Act of Congress.

CREATION OF CIVIL REMEDIES FOR VIOLATIONS OF RIGHTS UNDER COLOR OF FEDERAL LAW

SEC. 3. (a) Whoever, under color of Federal law, subjects any person to the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or violates section 2 of this Act, shall be liable to the person aggrieved by such deprivation or violation in a civil action for appropriate legal, equitable, and other relief. Such relief shall include money damages at a liquidated rate of $250 a day for each day such deprivation or violation continues, or $2,500, whichever is greater, punitive damages in appropriate cases, and reasonable attorney fees and other litigation costs reasonably incurred.

(b) A person that may recover relief under subsection (a) of this section may also recover that relief in a civil action against the United States, and the liability of the

United States shall be joint and several with any persons who are liable under subsection (a) of this section.

REPEAL OF CERTAIN LAWS TO ELIMINATE COLOR OF AUTHORITY

SEC. 4. (a) Chapter 102 (relating to riots) of title 18 of the United States Code is repealed.

(b) Sections 2384 (relating to seditious conspiracy), 2385 (relating to advocating the overthrow of Government), 2386 (relating to registration of certain organizations), 2387 (relating to peacetime interference with loyalty, morale, or discipline of military forces), and 2391 relating to temporary extension of wartime penalty for interference with loyalty, morale, or discipline of military forces) of such title 18 are all repealed.

(c) The tables of chapters for such title 18 and for part I of such title 18 are each amended by striking out the item relating to chapter 102.

(d) The table of sections for chapter 115 of such title 18 is amended by striking out the items relating to section 2384, section 2385, section 2386, section 2387, and section 2391.

(e) (1) Section 2516 of such title 18 is amended—

(A) by striking out "or chapter 102 (relating to riots)"; and

(B) by inserting "or" before "chapter 105".

(2) Section 14(a) of such title 18 is amended by striking out "2384, 2385, 2387,".

(3) Section 241(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(17)) is amended by striking out "section 2384 of title 18;".

(4) Section 349(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(9)) is amended by striking out "or willfully performing any act in violation of section 2385" and all that follows through "levy war against them,".

(5) Section 8312(b)(1)(C) of title 5 of the United States Code is amended by striking out "2384 (seditious conspiracy)" and all that follows through "2387 (activities affecting armed forces generally),".

(6) Section 3505 of title 38 of the United States Code is amended by striking out "2385, 2387,".

95TH CONGRESS
1ST SESSION

H. R. 10400

A BILL

To define the investigative authority of the Federal Bureau of Investigation, to create civil remedies for violations of rights under color of Federal law, and for other purposes.

By Mr. EDWARDS of California

DECEMBER 15, 1977
Referred to the Committee on the Judiciary

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